



KAPLAN KIRSCH ROCKWELL

222527

June 4, 2008

E-Filing

Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

Re: *Union Pacific Railroad Company – Abandonment Exemption in Los Angeles County, CA (Santa Monica Industrial Lead)*, Docket No. AB-33 (Sub-No. 265X)

Dear Ms. Quinlan:

I am enclosing the Reply of Los Angeles County Metropolitan Transportation Authority to Motion of James Riffin to Revoke the Notice of Exemption in the above referenced proceeding.

Sincerely,



Allison I. Fultz

Enclosure

cc: Parties of Record

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**BEFORE THE
SURFACE TRANSPORTATION BOARD
Washington, DC**

Docket No. AB-33 (Sub-No. 265X)

**UNION PACIFIC RAILROAD COMPANY –
ABANDONMENT EXEMPTION
IN LOS ANGELES COUNTY, CA
(SANTA MONICA INDUSTRIAL LEAD)**

**REPLY OF
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY
TO
MOTION OF JAMES RIFFIN TO REVOKE THE NOTICE OF EXEMPTION**

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Dated: June 4, 2008

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TO
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On May 26, 2008, James Riffin filed a Motion to Revoke the Notice of Exemption (the “Riffin Motion”) that the Union Pacific Railway Company (“UP”) filed in this proceeding. This Board should promptly deny the Riffin Motion.

In its Notice of Exemption in this proceeding (the “UP NOE”) UP sought authority to abandon its obligation to provide service over a 0.08 mile segment of the Santa Monica Industrial Lead from Milepost 485.61 to Milepost 485.69 (the “UP Segment”), and to discontinue its authority to operate via trackage rights over 0.31 mile of track owned by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”), a public entity, from Milepost 485.69 to Milepost 486.00 (the “LACMTA Segment”), a total distance of 0.39 mile in the City of Los Angeles, Los Angeles County, California. According to a Notice the Board served in this proceeding on May 7, 2008, the NOE became effective on May 8, 2008.

Mr. Riffin now seeks to have this Board revoke the UP NOE. In addition to the arguments UP presented in its Reply filed in this proceeding on June 2, 2008, LACMTA offers the following reasons the Board should deny the Riffin Motion.

Mr. Riffin describes himself as a Class III carrier. Yet he offers no evidence to support that declaration. In particular he offers no evidence that he has any carrier status with respect to the property at issue in this proceeding. In fact, Mr. Riffin conducts no rail activities in the Los Angeles area, is not a carrier on the UP Segment or the LACMTA Segment and cannot demonstrate any likelihood that he could become a carrier on either line. Accordingly, his views are not entitled to any weight in this proceeding.

Mr. Riffin can be expected to argue the Board's decision in *James Riffin – Petition for Declaratory Order*, STB Finance Docket No. 34997 (Service Date May 2, 2008) supports his claim to be a Class III carrier. In that case, however, the Board simply assumed for the purposes of that proceeding that Mr. Riffin might be able to become a Class III carrier in Allegany County, MD, and it concluded that he is not a rail carrier in Baltimore County, MD. Moreover, the Board did not reach a conclusion whether he is or is not such a carrier anywhere else in the country.¹ The Board should therefore reject Mr. Riffin's claim that he is a Class III carrier.

Mr. Riffin incorrectly asserts that the abandonment and discontinuance authority the Board has granted to UP in this proceeding will create a "stranded" segment of rail line between Milepost 486.00 and Milepost 487.72. LACMTA confirms that it is the owner of the line segment between Milepost 486.0 and Milepost 487.72 that was the subject of ICC Docket No

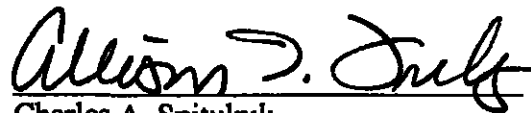
¹ LACMTA disputes Mr. Riffin's self-proclaimed status as a Class III carrier. Given Mr. Riffin's well-documented and repeated misrepresentations, exaggerations and abuse of the Board's processes (*see, e.g., Norfolk Southern Ry Co – Abandonment Exemption – In Norfolk and Virginia Beach, VA*, STB Docket No. AB 290 (Sub-No. 293X) (Service Date November 6, 2007), *slip op.* at 8), LACMTA specifically asks this Board not to state or imply in any decision in this proceeding that Mr. Riffin is a Class III carrier based on any of his activities anywhere in the country, and particularly to state that he has no carrier status with respect to any of the property that is at issue in this proceeding.

AB-12 (Sub-No. 154X), *Southern Pacific Trans Co. – Discontinuance of Service Exemption – In Los Angeles, CA* (Service Date September 28, 1993). LACMTA is now in the process of preparing the documents required to complete the abandonment of this line segment.

LACMTA has filed a Notice of Exemption in Docket No. AB 409 (Sub-No 5X), *Los Angeles County Metropolitan Transportation Authority – Abandonment Exemption – In Los Angeles, Co., CA* (filed on May 29, 2008) to effect the abandonment of the LACMTA Segment, which runs between milepost 485.69 and milepost 486.0. LACMTA does not intend to consummate abandonment of the LACMTA Segment until it also secures authority to abandon the segment between milepost 486.0 and 487.72. As a result, and without addressing the accuracy or relevance of the arguments Mr. Riffin presents in his Motion to Revoke, that Motion is premature and unfounded.

WHEREFORE, LACMTA respectfully requests that the Board deny James Riffin's Motion to revoke the exemption and permit UP's requested exemption to remain effective as of May 8, 2008, as scheduled.

Respectfully submitted,



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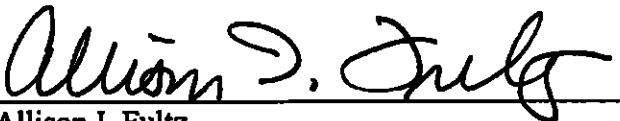
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Certificate of Service

I hereby certify that on this 4th day of June, 2008, I caused to be served a copy of the foregoing Reply of Los Angeles County Metropolitan Transportation Authority to James Riffin's Motion to Revoke the Notice of Exemption to be served by first class mail, postage prepaid, upon:

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